

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ENFORCEMENT AND REMOVAL OPERATIONS
ICE HEALTH SERVICE CORPS**

SERIOUS MENTAL DISORDERS OR CONDITIONS

IHSC Directive: 07-05

ERO Directive Number: 11809.1

Federal Enterprise Architecture Number: 306-112-002b

Effective Date: 15 Mar 2016

By Order of the Acting Assistant Director
Stewart D. Smith, DHSc/s/

- 1. PURPOSE:** This issuance sets forth the policy and procedures for the tracking and monitoring of detainees/residents, hereafter referred to as “detainees,” with serious mental disorders or conditions.
- 2. APPLICABILITY:** This directive applies to all Immigration and Customs Enforcement (ICE) Health Service Corps (IHSC) personnel, including but not limited to, Public Health Service (PHS) officers and civil service employees supporting health care operations in ICE-owned or contracted detention facilities and to IHSC Headquarters (HQ) staff. This directive applies to contract personnel when supporting IHSC in detention facilities and at HQ.
- 3. AUTHORITIES AND REFERENCES:**
 - 3-1.** Title 8, Code of Federal Regulations, Section 235.3 ([8 CFR § 235.3](#)), Inadmissible Aliens and Expedited Removal.
 - 3-2.** Section 232 of the Immigration and Nationality Act, as amended, Title 8, U.S. Code, Section 1222 ([8 USC § 1222](#)), Detention of Aliens for Physical and Mental Examination.
 - 3-3.** Title 8, Code of Federal Regulations, Section 232 ([8 CFR § 232](#)), Detention of Aliens for Physical and Mental Examination.
 - 3-4.** Section 322 of the Public Health Service Act, as amended, Title 42 U.S. Code, Section 249(a) ([42 USC § 249\(a\)](#)), Medical Care and Treatment of Quarantined and Detained Persons.
 - 3-5.** Title 42, U.S. Code, Section 252 ([42 USC § 252](#)), Medical Examination of Aliens.

3-6. 11067.1 Identification of Detainees with Serious Mental Disorders or Conditions. [11067.1 Identification of Detainees with Mental Disorders](#)

- 4. POLICY:** IHSC provides timely and appropriate care to all detainees in need of mental health treatment. Detainees with serious mental illness need to be monitored closely to ensure consistent and adequate care. The Behavioral Health Unit (BHU) at IHSC Headquarters monitors detainees with significant psychiatric impairments. The behavioral health care provider (BHP) at the facility completes and submits a weekly report to BHU for notification and continued monitoring of their seriously mentally ill detainees.

4-1. Serious Mental Illness (SMI) Criteria. SMI determination is based on significant psychiatric impairment of the detainee. The detainee must meet **one or more** of the following criteria based on the evaluation completed by the mental health care provider:

- a. One or more active psychiatric symptoms: disorganization of thought or behavior, active hallucinations or delusions, catatonia, severe depressive symptoms, suicidal ideation, homicidal ideation, severe exacerbation of manic symptoms and marked anxiety and impulsivity.
- b. History of more than two psychiatric hospitalizations in the past 3 months and still presenting moderate to severe symptoms.
- c. Presently taking psychiatric medications and still presenting active moderate to severe symptoms.
- d. Continues to display harm to self or others in spite of psychiatric treatment and/or psychiatric hospitalizations.
- e. Serious limitations in mental functioning (communicating, taking care of activities of daily living, social skills, etc.) due to mental disability or severe medical conditions impairing mental function i.e. dementia or traumatic brain injury.

4-2. Reporting and Documentation for SMI Detainees. Once a detainee is identified as having significant psychiatric impairment utilizing the SMI criteria, the BHP will immediately notify the Health Service Administrator (HSA) and document the following into the Patient Report spreadsheet, which he or she submits to BHU at IHSC Headquarters weekly.

- a. Name
- b. Alien #
- c. Facility

- d. Status (e.g., hospitalized, medical housing unit, general population, etc.)
- e. Diagnosis
- f. Current Symptoms
- g. Updates/Treatment Plan

4-3. Mental Health Review Form (IHSC Form 883). The BHP must complete a Mental Health Review Form (IHSC Form 883) for every patient on the Patient Report spreadsheet at the inclusion of the patient on the list and once a month thereafter as long as the detainee remains on the list which is determined by the evaluation completed by the mental health care provider.

- 5. **PROCEDURES:** No additional procedures.
- 6. **HISTORICAL NOTES:** This is the first issuance published under the new Policy and Procedure System.

- 7. **DEFINITIONS:** See definitions for this policy at [GLOSSARY FOR IHSC OFFICIAL GUIDANCE](#)

- 8. **APPLICABLE STANDARDS:**

8-1. Performance Based National Detention Standards (PBNDS):

- a. PBNDS 2011 4.3 Medical Care
- b. PBNDS 2011 4.6 Significant Self-harm and Suicide Prevention and Intervention

8-2. American Correctional Association (ACA):

- a. 4-4368; Mental Health Program
- b. 1-HC-1A-25; Mental Health Program
- c. 4-ALDF-4C-27; Mental Health Program

8-3. National Commission on Correctional Health Care (NCCHC):
Standards for Health Services in Jails, 2014

- a. J-G-02 Patients with Special Health Needs
- b. J-G-04 Basic Mental Health Services

9. **PRIVACY AND RECORDKEEPING.** IHSC stores, retrieves, accesses, retains, and disposes of these records in accordance with the Privacy Act and as provided in the Alien Medical Records System of Records Notice, 80 Fed. Reg. 239 (January 5, 2015). The records in the electronic health record (eHR)/eClinicalWorks (eCW) are destroyed ten (10) years from the date the detainee leaves ICE custody. Retention periods for records of minors may differ. Paper records are scanned into eHR and are destroyed after upload is complete.

Protection of Medical Records and Sensitive Personally Identifiable Information (PII).

- 9-1. Medical records, whether electronic or paper, may only be disclosed to or accessed by those officers and employees of the agency which maintain the record who have a need for the record in the performance of their duties. Paper records must be secured at all times within a locked cabinet or room when not under the direct control of an officer or employee of the agency with a need for the record in the performance of their duties.
- 9-2. Staff is trained at orientation and annually on the protection of patient medical information and Sensitive PII.
- 9-3. Staff references the Department of Homeland Security *Handbook for Safeguarding Sensitive Personally Identifiable Information* (March 2012) at:
(b)(7)(E)
when additional information is needed concerning safeguarding Sensitive PII.
10. **NO PRIVATE RIGHT STATEMENT.** This directive is an internal policy statement of IHSC. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.